

111<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S.** \_\_\_\_\_

To protect children from registered sex offenders.

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IN THE SENATE OF THE UNITED STATES

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Mr. SCHUMER (for himself and Mr. BROWN of Massachusetts) introduced the following bill; which was read twice and referred to the Committee on

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**A BILL**

To protect children from registered sex offenders.

1       *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Preventing Sex Offend-  
5 ers Access to Children in Our Communities Act of 2010”.

6 **SEC. 2. EMPLOYMENT RESTRICTIONS FOR REGISTERED**  
7 **SEX OFFENDERS.**

8       (a) IN GENERAL.—Subtitle A of the Sex Offender  
9 Notification and Registration Act (42 U.S.C. 16911 et  
10 seq.) is amended by adding at the end the following:

1 **“SEC. 132. EMPLOYMENT RESTRICTIONS FOR REGISTERED**  
2 **SEX OFFENDERS.**

3 “(a) IN GENERAL.—Each jurisdiction shall prohibit  
4 any sex offender registered with the jurisdiction under sec-  
5 tion 113 from—

6 “(1) accepting a position of employment, in-  
7 cluding a volunteer position, which by the inherent  
8 nature of the position places the sex offender in di-  
9 rect and substantial contact with minors; and

10 “(2) obtaining a permit or permission to carry  
11 out an activity or performance that would present  
12 direct and substantial contact with minors.

13 “(b) DEFINITION.—In this section, the term ‘direct  
14 and substantial contact with minors’ means—

15 “(1) working with minors;

16 “(2) having the opportunity to be alone with  
17 minors;

18 “(3) spending time specifically with minors;

19 “(4) performing for minors; and

20 “(5) any other activity that is targeted to in-  
21 volve minors.”.

22 (b) RULEMAKING REQUIRED.—Not later than 180  
23 days after the date of enactment of this Act, the Attorney  
24 General, in consultation with the appropriate agencies of  
25 the Federal Government and State and local governments,

1 shall promulgate rules to implement the amendment made  
2 by subsection (a).

3 **SEC. 3. GRANTS FOR IMPLEMENTATION OF A COMMUNITY**  
4 **ACCESSIBLE SEX OFFENDER REGISTRATION**  
5 **TIPS AND SUPPORT PROGRAM.**

6 (a) DEFINITIONS.—In this section—

7 (1) the term “direct and substantial contact  
8 with minors” means—

9 (A) working with minors;

10 (B) having the opportunity to be alone  
11 with minors;

12 (C) spending time specifically with minors;

13 (D) performing for minors; and

14 (E) any other activity that is targeted to  
15 involve minors;

16 (2) the term “minor” has the meaning given  
17 the term in section 111 of the Sex Offender Notifi-  
18 cation and Registration Act (42 U.S.C. 16911);

19 (3) the term “national crime information data-  
20 bases” has the meaning given the term in section  
21 534 of title 28, United States Code; and

22 (4) the term “sex offender” has the meaning  
23 given the term in section 111 of the Sex Offender  
24 Notification and Registration Act (42 U.S.C.  
25 16911).

1 (b) IN GENERAL.—The Attorney General may award  
2 grants to and enter into contracts with public agencies or  
3 nonprofit private organizations, or combinations thereof,  
4 to establish the program described in subsection (c).

5 (c) COMMUNITY ACCESSIBLE SEX OFFENDER TIPS  
6 AND SUPPORT PROGRAM DESCRIBED.—The community  
7 accessible sex offender registration tips and support pro-  
8 gram established under subsection (b) shall—

9 (1) provide a forum for an individual to submit  
10 an anonymous or confidential tip regarding any sex  
11 offender required to be registered under the Sex Of-  
12 fender Notification and Registration Act (42 U.S.C.  
13 16911 et seq.) who—

14 (A) is not complying with the requirements  
15 of such Act;

16 (B) is in a position which places the sex of-  
17 fender in direct and substantial contact with  
18 minors; or

19 (C) is engaged in—

20 (i) activities in violation of the condi-  
21 tions of the probation or parole of the sex  
22 offender; or

23 (ii) any other criminal activity;

24 (2) enable the analysis and coordination of tips  
25 provided under paragraph (1);

1           (3) use existing Internet sex offender registries,  
2 public information, and the national crime informa-  
3 tion databases to compare and contrast information  
4 and identify—

5           (A) sex offenders required to be registered  
6 under the Sex Offender Notification and Reg-  
7 istration Act (42 U.S.C. 16911 et seq.) who—

8           (i) are not complying with the require-  
9 ments of such Act;

10          (ii) are in a position which place the  
11 sex offender in direct and substantial con-  
12 tact with minors; and

13          (iii) are engaged in high-risk or crimi-  
14 nal activities in violation of the conditions  
15 of supervision of the sex offender; and

16          (B) the location of any sex offenders iden-  
17 tified under subparagraph (A) in order to aid  
18 the taking of appropriate action by law enforce-  
19 ment; and

20          (4) provide a victim of sexual assault, violent  
21 crime, and other nonviolent crime who provide infor-  
22 mation under paragraph (1) with an infrastructure  
23 of direct advocacy, therapeutic support, concrete  
24 services, and enforcement linkages by certified rape  
25 crisis counselors.

1           (d) ACCESS TO THE NATIONAL CRIME INFORMATION  
2 DATABASES.—Notwithstanding any other provision of  
3 law, the Attorney General shall ensure that an agency or  
4 organization that is awarded a grant or contract under  
5 this section has access to the national crime information  
6 databases to the extent that the access is for purposes  
7 within the scope of the duties and responsibilities of the  
8 agency or organization to assist or support law enforce-  
9 ment agencies in the administration of criminal justice  
10 functions relating to sex offenders.

11           (e) PRIORITY.—In making grants or contracts under  
12 this section, the Attorney General shall give priority to ap-  
13 plications submitted by public agencies or nonprofit pri-  
14 vate organizations that demonstrate—

15               (1) success in educating the public regarding  
16 Federal, State, and local sex offender registration  
17 and notification requirements and restrictions;

18               (2) a responsible use of information collected  
19 through an established interactive telephone helpline  
20 or Internet website;

21               (3) success in collaborating and assisting the  
22 public and community organizations in accessing—

23                       (A) sex offender registration and notifica-  
24 tion information; and

1 (B) minor and adult sexual abuse preven-  
2 tion resources;

3 (4) success in processing tips from the public  
4 regarding sex offenders, including the monitoring  
5 and management of sex offenders through an estab-  
6 lished sex offender registration and notification tele-  
7 phone helpline or Internet website;

8 (5) experience in providing direct advocacy,  
9 therapeutic support, and concrete services to victims  
10 of sexual abuse and other violent and nonviolent  
11 crimes by certified rape crisis counselors; and

12 (6) success in collaborating with law enforce-  
13 ment agencies—

14 (A) in the provision of information received  
15 from the public regarding sex offenders who are  
16 not acting in compliance with the requirements  
17 of the Sex Offender Notification and Registra-  
18 tion Act (42 U.S.C. 16911 et seq.); and

19 (B) in mitigating the potential threat to  
20 public safety of sex offenders who—

21 (i) are engaged in high-risk or crimi-  
22 nal activities; or

23 (ii) are in positions which place the  
24 sex offenders in direct and substantial con-  
25 tact with minors.

1           (f) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated \$3,000,000 to carry out  
3 the grants authorized under subsection (b) for each of fis-  
4 cal years 2011 through 2015, and such sums as are nec-  
5 essary thereafter.

6 **SEC. 4. SEVERABILITY.**

7           If any provision of this Act or any amendment made  
8 by this Act, or the application of a provision or amend-  
9 ment to any person or circumstance, is held to be uncon-  
10 stitutional, the remainder of this Act and the amendments  
11 made by this Act, and the application of the provisions  
12 and amendments to any person or circumstance, shall not  
13 be affected by the holding.